

### **Remarks**

Claims 1-26 are pending in the application. The Examiner imposed an election of species requirement based on the drawing figures. In addition to responding to the Examiner's election requirement, the specification and one drawing sheet each contain an amendment.

### **Specification**

By this paper, the specification is amended at paragraph 0090 to include the word "drivetrain", which was inadvertently omitted from this paragraph. This amendment is fully supported by the specification as originally filed. For example, the specification at paragraph 0029 introduces the element 114 as "the vehicle drivetrain". Later in that same paragraph, element 114 is referred to as "drivetrain 114". This is consistent with the description of element 114, which, according to the specification at paragraph 0029, "may include an axle/differential assembly 120 and vehicle traction wheels 122." This description is consistent with that of a vehicle drivetrain. Therefore, the amendment is fully supported by the specification as originally filed, and no new matter has been added.

### **Drawings**

By this paper, Figure 2 of the drawing figures has been amended to include the inadvertently omitted word "drivetrain". As described above, element 114 is appropriately defined as the vehicle drivetrain, and in Figure 2 as originally filed, the word "drivetrain" was not included. The current amendment corrects this inadvertent omission, and as discussed in detail above, no new matter has been added.

### **Election/Restrictions**

The Examiner imposed an election requirement, stating that the application contained claims that were directed to two patentably distinct species: Species I, defined by Figures 1-9, and Species II, defined by Figures 10 and 11. The Examiner states that Figures 1-9 "show a series hybrid electric vehicle configuration," and that Figures 10 and 11 "show a parallel hybrid electric vehicle configuration." At the outset, Applicants note that Figure 10 does not show a parallel hybrid electric vehicle, but rather, illustrates a series-parallel hybrid

electric vehicle—i.e., one that is capable of operating either as a parallel hybrid electric vehicle, or as a series hybrid electric vehicle. For the following reasons set forth below, Applicants elect with traverse to prosecute the species identified as "Species I", in which claims 1-26 read thereon.

As discussed above, two minor amendments are included with this paper. Although these amendments are minor, Applicants believe they will clear up any confusion regarding the scope of the claims. For example, the control diagram shown in Figure 2 includes an engine 102, a coupling 104, a generator 106, a motor 108, a battery 110, and a vehicle drivetrain 114. Each of these elements is common to the hybrid powertrains shown in Figures 1 and 10. It is also clear from the description of the specification that the system and method of the present invention is equally applicable to HEV powertrains that are configured as a series powertrain and to HEV powertrains that are configured as a series-parallel powertrain.

Therefore, each of the claims of the present application, which are directed to a method and system for controlling a hybrid powertrain, can be applied to the hybrid electric vehicle shown in Figure 1 and the hybrid electric vehicle shown in Figure 10. Moreover, the systems and methods illustrated in Figures 2-9 and 11 are also equally applicable to the hybrid electric vehicle shown in Figure 1, and the hybrid electric vehicle shown in Figure 10. Therefore, although Applicants have elected a species in accordance with Patent Office requirements, withdrawal of the election requirement is requested.

Respectfully submitted,

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